

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

**FILED**

DANIEL BENSON TAYLOR,

Appellant,

VS.

STATE OF TENNESSEE,

Appellee.

)  
) C.C.A. NO. 01C01-9904-CC-00132  
) October 28, 1999

) HICKMAN COUNTY  
) Cecil Crowson, Jr.  
) Appellate Court Clerk

**ORDER**

This matter is before the Court upon the petitioner's "Motion for an Opportunity to be Heard." Originally, this Court granted the state's motion to affirm the judgment of the trial court pursuant to Rule 20, Tennessee Court of Criminal Appeals. The petitioner then filed a petition to rehear which was also denied. Finally, the petitioner filed the motion now before the Court.

Having again reviewed the pleadings, the record on appeal, and the motion now before the Court, we find that the motion is well taken. From further review, it appears that the matter should not have been affirmed prior to having the case fully briefed and assigned to a panel. Moreover, the Court finds that counsel should be appointed to represent the petitioner in this matter.

IT IS, THEREFORE, ORDERED that this Court's order, dated August 27, 1999, affirming the judgment pursuant to Rule 20 is hereby vacated. IT IS FURTHER ORDERED that John E. Herbison of the Davidson County Bar is appointed to represent the petitioner in the above-styled appeal. New counsel shall have 30 days from the date of this order in which to file an amended brief on behalf of the petitioner.

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JERRY L. SMITH, JUDGE

CONCUR:

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JOHN H. PEAY, JUDGE

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DAVID H. WELLES, JUDGE